

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-216548 **DATE:** March 12, 1985
MATTER OF: Allied Electric Incorporated

DIGEST:

Only acceptable evidence to establish that the telex bid modification received late in the bid opening office was received on time at the government installation is the time/date stamp or other documentary evidence of receipt maintained by the installation. In the absence of such evidence, the question of government mishandling after allegedly timely receipt is irrelevant.

Allied Electric Incorporated (Allied) protests the rejection of its telegraphic bid modification as late under invitation for bids (IFB) No. N62472-84-B-0537 issued by the Naval Facilities Engineering Command, United States Naval Base, Philadelphia, Pennsylvania.

We deny the protest.

Bid opening was scheduled for Friday, September 21, 1984, at 2 p.m. Because the modification was received in the office designated in the solicitation for the receipt of bids on Monday, September 24, the modification was rejected as late. However, Allied, relying on information furnished by Western Union, alleges that the modification was received in the naval base telex office at 5:12 p.m., September 20, the day before bid opening, and that the subsequent late receipt in the bid opening office was due to government mishandling.

Information from Western Union to establish the time of receipt of the telex is unacceptable. Cecile Industries, Inc., B-206796, July 7, 1982, 82-2 C.P.D. ¶ 29. The only acceptable evidence of receipt at the government installation is the time/date stamp or other documentary evidence of receipt maintained by the installation. See Keco Industries, Inc., B-204869, Apr. 7, 1982, 82-1 C.P.D. ¶ 324. It is reported that apparently Western Union transmitted the modification by telex and, since there is no telex machine in the building designated for receipt of

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bids, the telex was received in another building on the base. Although mail was picked up from that building on bid opening day, Allied's modification was not among it and was not received in the designated office until after bid opening. However, the naval base has no record of when the modification was received in the base telex office. Thus, it is not established that the modification was received at the base prior to bid opening. Qualimetrics, Inc., B-213162, Mar. 20, 1984, 84-1 C.P.D. ¶ 332. Since receipt of the modification prior to bid opening is not established, the question of mishandling is irrelevant. See Tom Shaw, Inc., B-209018, Feb. 3, 1983, 83-1 C.P.D. ¶ 123; Cecile Industries, Inc., B-206796, supra.

Allied also questions why its telex was unacceptable when the telex of another bidder was acceptable. Allied's telex was unacceptable because it was a bid modification received at the bid opening office after bid opening and did not fall within the exceptions in the IFB late bid clause which would have permitted consideration. The other bidder's telegram, on the other hand, merely confirmed timely submitted bid prices and, therefore, did not have to be received prior to bid opening.

for *Raymond E. Epps*
Harry R. Van Cleve
General Counsel